

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.03.2021
CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7701 of 2021

Tamilnadu Arasu Pokkuvarathu Kazhaga
Ooivupettra Poriyalagal Mattrum
Kanganippalargal Nala Sangam
Rep. by R.Mohan, General Secretary,
61, Pallavan Nagar,
1st Cross Street, 1st Main Road,
Thiruverkadu,
Chennai - 600 077.

... Petitioner

-vs-

1. The Principle Secretary,
Tamil Nadu Government Transport Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan House, Chennai - 600 002.
3. The Managing Director,
State Express transport Corporation (TN) Ltd,
Thiruvalluvar House, No.2, Pallavan Salai,
Chennai 600 002.
4. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd,
3/137, Salamedu, Valudhareddy Post,
Villupuram - 605 602.
5. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
27, Railway Station New Road,
Kumbakonam - 612 001.
6. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd,
No.12, Ramakrishna Road,
Salem - 636 007.
7. The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd,

37, Mettupalayam Road,
Coimbatore - 641 043.

8. The Managing Director,
Tamil Nadu State Transport Corporation (MDU) Ltd,
Bye Pass Road, Madurai - 625 010. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to issue the difference of Gratuity amount to the State Transport Retired technical Supervisory / Administrative Supervisory and Officers Cadre those who retired from 01.01.2016 to 28.02.2018, as per G.O.Ms.No.313/Finance (Pay Cell) Dept, dated 25.10.2017.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents: Mr.P.Karthikeyan
Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the respondents to issue the difference of Gratuity amount to the State Transport Retired technical Supervisory / Administrative Supervisory and Officers Cadre those who retired from 01.01.2016 to 28.02.2018, as per G.O.Ms.No.313/Finance (Pay Cell) Dept, dated 25.10.2017.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice for Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The brief facts of the case are that the retired employees who belong to technical and Supervisory groups are members of the petitioner Association. The Managerial Cadre employees and the technical supervisory staffs/administrative supervisory staffs, who were in service on and after 01.01.2016 have been given the pay revision as per the 7th Tamil Nadu Pay Commission Recommendations and as per the G.O.Ms.No.303, datd 11.10.2017, notionally w.e.f 01.01.2016 and with monetary benefits from 01.10.2017. In this Circumstance, the Government had issued G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017 for revision of pension/family pension and retirement benefits to the pensioners in respect of their statutory boards / Corporations. It is the grievance of the petitioner association that the respondents did not recalculate Gratuity, even after making representation before them. Hence, this Writ petition.

4. When the matter is taken up for hearing, it is stated that all the names found in page Nos.29 to 34 of the typed set, are not members of the petitioner association. Hence, this Court is of the view that the members of the association alone can approach the respondents individually, by making separate representation whose request may be considered in accordance with G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017.

Considering the above submission, the Writ petition is disposed of with the following directions:

i. A direction is issued to the members of the petitioner association whose request may be considered in accordance with G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017 to make separate representation before the respondent concerned, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the fresh representation of the member belong to the petitioner association and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 120 days thereafter.

ii) In case the member of the petitioner association is unable to appear for personal hearing, the he/she is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the the member of the petitioner association can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the the member of the petitioner association fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the member of the petitioner association, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The member of the petitioner association shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send

communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vum
To

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